

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
JOAN ROSARIO,

Plaintiff(s),

-against-

BURNSED TRUCKING INC.,

Defendant(s).
-----X

To the above named defendant(s):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorneys within 20 days after the service of this summons exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: New York, New York
July 28, 2021



PETER MAY, ESQ.
SUBIN ASSOCIATES LLP
Attorneys for Plaintiff
Address and Telephone Number
150 Broadway – 23rd Floor
New York, New York 10038
(212) 285-3800
File No.: 32395

Defendants Address:

Burnsed Trucking Inc
170 Boyd Rd
Fort Pierce, FL 34945

FILE #: 32395

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
JOAN ROSARIO,

VERIFIED COMPLAINT

Plaintiff(s),

-against-

BURNSED TRUCKING INC.,

Defendant(s).

-----X

Plaintiff(s), complaining of the defendant(s) by her attorney, SUBIN ASSOCIATES

LLP, upon information and belief, respectfully allege(s):

1. That at all the times herein mentioned, the defendant, BURNSED TRUCKING INC., was and still is a corporation doing business in the State of New York.
2. That on or about 8/25/2020, at the premises located at and known as New Fulton Fish Market Hunts Point, 800 Food Center Drive, Bronx, New York, while plaintiff JOAN ROSARIO was lawfully operating a Hi- Lo vehicle unloading a truck within the scope of her employment she was caused to crash into a delivery truck and be precipitated and fall by reason of the negligence and lack of care in the defendant's ownership, operation, management, maintenance and control of a delivery truck, in permitting and allowing said delivery truck to be operated in a hazardous manner so as to endanger the safety of the plaintiff; in permitting and allowing said delivery truck to suddenly jerk and/or move without warning; in allowing and permitting said delivery truck to be operated in a perilous manner under the circumstances; in permitting and causing plaintiff to be and remain in a position of peril; in not allowing the plaintiff herein mentioned to unload said

delivery truck in a safe manner; in failing to properly use the delivery doc; in failing to give any notice or warning of movement of the delivery truck; in negligently moving the delivery truck without allowing the plaintiff to properly unload said truck delivery truck; in failing to comply with safe and proper standards of care; and in otherwise being careless and reckless in the operation and maintenance of said delivery truck; in permitting and allowing the total disregard of the laws, rules, and regulations as to the proper and safe operation of said delivery truck and the safety of the plaintiff.

3. That at all the times herein mentioned, the defendant, BURNSED TRUCKING INC., its agents, servants and/or employees maintained the aforementioned premises including a loading and unloading trucking dock.
4. That at all the times herein mentioned, the defendant, BURNSED TRUCKING INC., its agents, servants and/or employees managed deliveries at the aforementioned premises.
5. That at all the times herein mentioned, the defendant, BURNSED TRUCKING INC., its agents, servants and/or employees controlled delivered goods to the aforementioned premises.
6. That at all the times herein mentioned, the defendant BURNSED TRUCKING INC., was in the trucking business of delivering goods.
7. That at all the times herein mentioned, the defendant BURNSED TRUCKING INC., used a truck to deliver said goods to the aforementioned premises located at and known as New Fulton Fish Market Hunts Point, 800 Food Center Drive, Bronx, New York.
8. That at all the times herein mentioned, the delivery truck was owned by the defendant BURNSED TRUCKING INC.
9. That at all the times herein mentioned, the delivery truck was operated by the defendant

BURNSED TRUCKING INC., or its agents.

10. That at all the times herein mentioned, the delivery truck was operated by the defendant or its agents with the permission and consent of the owner.
11. That at all the times herein mentioned, the delivery truck was operated by the defendant's agents within the scope of that permission and consent.
12. That at all the times herein mentioned, the delivery truck was operated by the defendant's agents within the scope of their employment.
13. That at all the times herein mentioned, it was the duty of the defendant(s), its agents, servants and/or employees to keep and maintain said premises in a reasonable state of repair and in a good and safe condition, and not to suffer and permit said premises to become unsafe and dangerous to pedestrians and/or customers.
14. That by reason of the foregoing, plaintiff was caused to sustain serious, harmful and permanent injuries, has been and will be caused great bodily injuries and pain, shock, mental anguish; has been and is informed and verily believes maybe permanently injured; has and will be prevented from attending to usual duties; has incurred and will incur great expense for medical care and attention; in all to plaintiff's damage, both compensatory and exemplary in an amount which exceeds the jurisdictional limits of all lower courts and which warrants the jurisdiction of this Court.
15. Due to the abovesaid, plaintiff is entitled to damages in the sum which exceeds the sum or value established by 28 USC §1332(a) exclusive of interest and costs.

WHEREFORE, the plaintiff demands judgment against the defendant in amounts which exceed the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, in amounts to be determined upon the trial of this action, together with

the costs and disbursements of this action, and with interest from the date of this accident

DATED: New York, New York
July 28, 2021

Yours, etc.

A handwritten signature in dark ink, appearing to be 'P. May', written over a horizontal line.

PETER MAY, ESQ.
SUBIN ASSOCIATES, LLP
Attorneys for Plaintiffs
150 Broadway
New York, New York 10038


PETER MAY, ESQ.

Index No.:

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SUMMONS AND VERIFIED COMPLAINT

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